

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RYNN GINO GEDDES,

Plaintiff,

v.

LYON COUNTY SHERIFF'S DEPT., *et al.*,

Defendants.

Case No. 3:21-CV-00499-MMD-CLB

**ORDER DENYING, IN PART, AND
 GRANTING, IN PART, MOTION
 FOR ISSUANCE OF SUBPOENA AND
 MOTION FOR EXTENSION OF TIME**

[ECF Nos. 16, 17]

This case involves a civil rights action filed by Plaintiff Rynn Gino Geddes ("Geddes") against Defendants Lt. Baltez ("Baltez"), C/O Spenser ("Spenser"), Detective Pruett ("Pruett"), and C/O Tustin ("Tustin") (collectively referred to as "Defendants"). Before the Court is Geddes' motion for issuance of subpoena *duces tecum* and extension of time to serve complaint. (ECF Nos. 16, 17.)

Geddes, appearing *pro se* filed a civil rights complaint on December 6, 2021. (ECF No. 6.) The Court properly screened the complaint pursuant to 28 U.S.C. § 1915A and permitted Geddes to proceed on a Fourth Amendment excessive force claim against Baltez, Spenser, Pruett and Tustin. (ECF Nos. 5, 12.) The Court issued summonses for the Defendants and ordered the U.S. Marshal ("USM") to attempt service. (ECF Nos. 12, 13.) The USM returned the summonses unexecuted because every Defendant no longer works for the Lyon County Sheriff Department. (ECF No. 14.) The Court then issued a notice of intent to dismiss pursuant to Fed. R. Civ. P. 4(m). (ECF No. 15.) In response, Geddes filed the instant motion.

In his request for issuance of subpoena *duces tecum*, Geddes asks the Court to issue, serve, and apparently pay the witness fees to the Lyon County Sheriff's Department to secure forwarding addresses for each Defendant. (ECF No. 16.) Geddes is proceeding *in forma pauperis* (ECF No. 5). However, *in forma pauperis* status does not

1 extend to the issuance of subpoenas or service of subpoenas at government expense.
2 LSR 1-6. Geddes is advised that the U.S. Marshal ("USM") will not locate and serve
3 witnesses for him, and the Court will not pay witness fees and costs. Witness fees are not
4 costs the court will bear on behalf of an indigent litigant. *Dixon v. Ylst*, 990 F.2d 478, 480
5 (9th Cir. 1992). Moreover, the USM does not serve subpoenas in civil cases, even if
6 payment is made. Therefore, while the Court will order the Clerk to issue a blank
7 subpoena *duces tecum*, Geddes will be responsible for making all arrangements for
8 service, the expense of service, the witness fee, and any other costs. See Fed.R.Civ.P.
9 45; *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (per curiam) (28 U.S.C. § 1915
10 does not entitle a plaintiff proceeding in forma pauperis to a waiver of witness fees for
11 subpoenas).

12 Geddes also requests an additional 45 days to complete service in this case. (ECF
13 No. 17.) Because the Court has now advised Geddes that the USM will not serve a
14 subpoena, the Court grants Geddes an additional 75 days to complete service on or
15 before **August 8, 2022**. If Geddes can obtain a more current service address for any
16 Defendant, the Court will order the USM to make one further attempt at service.

17 Geddes motion for a subpoena *duces tecum* and for extension of time to complete
18 service is **GRANTED, in part**, and **DENIED, in part**, as stated above. The Clerk shall
19 **ISSUE** a blank subpoena *duces tecum* and forward the same to Geddes.

20 **IT IS SO ORDERED.**

21 **DATED:** May 23, 2022.

22 
23 **UNITED STATES MAGISTRATE JUDGE**